

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KHALIL KHALIL, individually and on behalf of
all others similarly-situated

Case No.: 1:17-cv-07474

Plaintiff,

v.

McGRATH COLOSIMO, LTD. d/b/a
McGRATH LEXUS.,

Defendant

NOTICE OF REMOVAL

NOW COMES the Defendant, MCGRATH COLOSIMO, LTD. (“Defendant”), by its attorneys, Eric L. Samore and John C. Ochoa, of SmithAmundsen LLC, and pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, removes this action to the United States District Court for the Northern District of Illinois, Eastern Division, and in support thereof, states as follows:

The State Court Action

1. The Defendant’s Notice of Removal is based upon subject matter jurisdiction conferred by federal question as established in 28 U.S.C. § 1331.
2. The Plaintiff filed his Complaint on August 31, 2017 in the Circuit Court of Cook County, Illinois in the civil action styled *Khalil Khalil v. McGrath Colosimo, Ltd.*, bearing Case No. 2017-CH-11918. (See **Exhibit A.**)
3. Plaintiff’s Complaint arises out of the alleged sending of an unsolicited text message, and brings a single count alleging a violation of the Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227, *et seq.*

4. Service was achieved on Defendant on September 19, 2017.

5. Defendant has not entered its appearance, filed a responsive pleading, or otherwise responded to Plaintiff's Complaint in the State Court Action.

6. This Notice was filed within (30) thirty days of "the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based." 28 U.S.C. § 1446(b).

Federal Question Jurisdiction

7. This Court has original jurisdiction over Plaintiff's Complaint pursuant to 28 U.S.C. § 1331 because the Complaint asserts claims under the TCPA, which "arises under the Constitution, laws, or treaties of the United States." *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 742 (2012).

8. Venue is proper because the Circuit Court of Cook County, Illinois is within the United States District Court for the Northern District of Illinois, Eastern Division. *See* 28 U.S.C. § 105 and 1446(a).

9. As required by 28 U.S.C. § 1446(d), the Defendant will promptly serve upon plaintiff's counsel and file with the Circuit Court of Cook County a true and correct copy of this Notice.

Written Notice of Removal Has Been Given to Plaintiff

10. Pursuant to 28 U.S.C. § 1446(d), Defendant has given written notice of the filing of this Notice of Removal to Plaintiff and is filing a copy of this Notice of Removal with the Clerk of the Circuit Court of Cook County, Illinois. A copy of the Notice to State Court of Notice of Removal filed in the Circuit Court of Cook County, is attached hereto as **Exhibit B**.

11. By removing this action, the Defendant does not waive any defenses available to it.

WHEREFORE, Defendant, McGRATH COLOSIMO, LTD., by its attorneys, Eric L. Samore and John C. Ochoa of SmithAmundsen LLC, respectfully requests that this Court exercise jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

Respectfully Submitted,

By: /s/ John C. Ochoa
Attorney for Defendant

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